

Application No. 10/622,342
Amendment dated August 23, 2005
Reply to Office Action dated July 6, 2005

REMARKS

Applicant kindly thanks the Examiner for the discussion of the claims on July 29, 2005. Claims 1-18 are currently pending in the present application. Based on the discussion of the claims on July 29, 2005, favorable reconsideration and allowance are respectfully requested.

As discussed and agreed to by the Examiner and Applicant's attorney, the fifth signal generator limitation has been present in claim 1 with each submission of the claims. The originally filed claims, filed on July 18, 2003, recited a fifth signal generator in claim 1. A substitute specification was filed on November 5, 2004 to correct formatting defects. The claim set filed on November 5, 2004 included all the claims 1-18 and claim 1, *as submitted at that time* included the requirement for a fifth signal generator. The fifth signal generator limitation in claim 1 of the claim set filed on November 5, 2004 was included in the paragraph beginning with a fourth signal generator. Applicant's attorney and the Examiner agreed that the requirement for a fifth signal generator was indeed always included in claim 1 and due to the improper formatting, the Examiner inadvertently missed the recitation of a fifth signal generator.

Applicant asserts that the reply filed on May 23, 2005 was timely and fully responsive to the Office Action dated February 23, 2005. Applicant discussed this with the Examiner on July 29, 2005 and the Examiner confirmed that the reply was timely and fully response.

Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-11 and the statements of non-compliance on page 2 of the Office Action dated July 6, 2005.

Claim Rejections under 35 USC § 112

Claims 1-11 have been rejected under 35 USC §112, first paragraph, as being based on a disclosure that, according to the Examiner, is not enabling for the fifth signal generator.

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The Applicant respectfully traverses the rejections of claims 1-11 under 35 USC §112, first paragraph.

Applicant respectfully asserts that the fifth signal generator for indicating a shift position, in communication with said control module is enabled by the disclosure. The fifth signal generator is shown in FIG. 1 as element 32 showing PRNDL to indicate the shift positions park, reverse, neutral, drive and low. The element 32 is also described in the specification, for example, in paragraphs 11, 20 and 21. As described in paragraph 20 for operation of the control system 20, "When the shift position sensor 32 indicates that the vehicle is in drive or low, the object detection sensor 24 is operational in the front of the vehicle." Applicant respectfully asserts that FIG.1 and the description of the fifth signal generator for indicating a shift position is fully enabled by the disclosure so that the skilled artisan would know how to make and use the invention without undue experimentation. Claims 2-11 are also fully enabled.

Accordingly, withdrawal of the rejection of claims 1-11 under 35 USC §112, first paragraph, is respectfully requested.

Allowable Subject Matter

Applicant gratefully acknowledges the Examiner will allow claims 12-18.

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SUMMARY

Pending claims 1-18 are patentable. Applicant respectfully asserts that the claims properly define the invention and that the invention is novel and non-obvious. Allowance of the pending claims is earnestly solicited. The Examiner is invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Heidi A. Dare", is written over a horizontal line.

Heidi A. Dare
Registration No. 50,775
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200